



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 5, 2008

ITEM NUMBER: _____

**SUBJECT: ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR NAPASTYLE
SOUTH COAST PLAZA, 3333 BEAR STREET, SUITE 202**

DATE: JULY 24, 2008

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: DONALD D. LAMM, DEVELOPMENT SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

RECOMMENDATION:

Pursuant to State law, make a finding of public convenience or necessity for issuance of an off-sale beer and wine ABC license, for an existing home furnishings store (NapaStyle) within South Coast Plaza.

BACKGROUND:

In May 2008, the City issued a business license for NapaStyle, a specialty retail/home furnishing store. The business owner also applied for an off-sale beer and wine license from ABC (State Alcoholic Beverage Control) to allow ancillary wine sales. Since issuance of the alcohol license would cause this area to have an "undue concentration" of off-sale licenses, State law requires the City make a finding of "public convenience or necessity" before ABC can issue the license.

ANALYSIS:

According to ABC, if this application were approved, an "undue concentration" of ABC licenses would result. This is due to the fact that the ratio of the number of ABC licenses to population within the South Coast Plaza census tract currently equals the countywide ratio (three off-sale licenses are allowed; three already exist).

According to the applicant, alcohol sales will be ancillary to the specialty retail sales. Staff believes that a finding for public convenience or necessity can be made because the ancillary alcohol sales would complement the retail store and will not negatively impact surrounding uses.

The Police Department has reviewed the request and has no objections to issuance of the proposed license.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

1. Make a finding of public convenience or necessity. This would allow the State to issue the ABC license to NapaStyle for off-sale beer and wine.

2. Not make a finding of public convenience or necessity. If Council decides not to make the necessary finding, ABC will not issue a license to NapaStyle to sell alcohol.

ENVIRONMENTAL REVIEW:

Environmental review is not required.

FISCAL REVIEW:

Fiscal review is not required.


LEGAL REVIEW:

Legal review is not required.

CONCLUSION:

NapaStyle is a specialty home furnishings store which operates during normal South Coast Plaza hours. Allowing ancillary alcohol sales would complement the store and provide a convenience to its customers.


WENDY SHIH
Associate Planner


DONALD D. LAMM, AICP
Deputy City-Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
Deputy City Manager – Dev. Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Michael Chiarello
NapaStyle Wine Company, LLC
574 Gateway Drive
Napa, CA 94558

Daniel J. Kramer
HaasNajarian LLP
58 Maiden Lane, 2nd Floor
San Francisco, CA 94108

ATTACHMENTS: 1. ABC license application
2. Letter from applicant dated July 21, 2008

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 28 Civic Center Plz.
 Rm. 369
 Santa Ana, CA 92701
 (714)558-4101

File Number: **467543**
 Receipt Number: **1666831**
 Geographical Code: **3004**
 Copies Mailed Date: **June 2, 2008**
 Issued Date:

DISTRICT SERVING LOCATION: SANTA ANA**First Owner: NAPASTYLE WINE COMPANY LLC****Name of Business: NAPASTYLE**

Location of Business: 3333 BEAR ST
STE 202
COSTA MESA, CA 92626-1790

County: ORANGE**Is premise inside city limits? Yes****Census Tract 0639.07**

Mailing Address: 574 GATEWAY DR
 (If different from
 premises address) **NAPA, CA 94558-7517**

Type of license(s): 20**Transferor's license/name: 398777 / CHOI KUN YOUN Dropping Partner: Yes No ☒**

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
20 <i>Over payment</i>						50.00 <i>63.00</i>
20 OFF-SALE BEER ANI	PERSON TO PERSON TRANSF	NA	Y	0	06/02/08	\$50.00
20 OFF-SALE BEER ANI	PREMISE TO PREMISE TRANS	NA	Y	0	06/02/08	\$100.00
20 OFF-SALE BEER ANI	ANNUAL FEE	NA	Y	0	06/02/08	\$220.00
Total						\$373.00

Have you ever been convicted of a felony? **No**Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premise will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of ORANGE**Date: June 2, 2008**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Applicant Name(s)**Applicant Signature(s)****NAPASTYLE WINE COMPANY LLC****See 211 Signature Page**

211 sig
211 A
227
attached

State of California
APPLICATION SIGNATURE SHEET ("SIGN ON")

Department of Alcoholic Beverage Control

- This form is to be used as the signature page for applications not signed in the District Office.
- **Read instructions on reverse before completing.**
- All signatures must be notarized in accordance with laws of the State where signed.

1. OWNERSHIP TYPE (Check one)

- ☐ Sole Owner ☐ Corporation
☐ Partnership ☒ Limited Liability Company
☐ Husband & Wife ☐ Other _____
☐ Partnership-Ltd

2. FILE NUMBER (if any)

467543

3. LICENSE TYPE

20

4. TRANSACTION TYPE

- ☐ Original ☒ Person to Person Transfer
☐ Exchange ☒ Premise to Premise Transfer
☐ Other

5. APPLICANT(S) NAME

NapaStyle Wine Company, LLC

6. APPLICANT'S MAILING ADDRESS (Street address/P.O. box, city, state, zip code)

574 GATEWAY DR NAPA CA 94558

7. PREMISES ADDRESS (Street address, city, zip code)

3333 BEAR ST STE 202 COSTA MESA CA 92626

APPLICANT'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He/She is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he/she has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to (a) satisfy the

payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department, (b) to gain or establish a preference to or for any creditor or transferor, or (c) to defraud or injure any creditor or transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

I understand that if I fail to qualify for the license or withdraw this application there will be a service charge of one-fourth of the license fee paid, up to \$100.

SOLE OWNER

8. PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

PARTNERSHIP/LIMITED PARTNERSHIP (Signatures of general partners only)

9. PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

PARTNER'S PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

CORPORATION

10. PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

TITLE

☐ President ☐ Vice President ☐ Chairman of the Board

Dept. of Alcoholic Beverage Control
 Santa Ana Office

RECEIVED
 MAY 27 2008

PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

TITLE

☐ Secretary ☐ Asst. Secretary ☐ Chief Financial Officer ☐ Asst. Treasurer

LIMITED LIABILITY COMPANY

11. The limited liability company is member-run ☐ Yes ☒ No (If no, complete Item #12 below)

12. NAME OF DESIGNATED MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)

ABC INITIALS/DATE (ABC use only)

Chiarello, Michael Dominic; Williamson, James G.

13. MEMBER'S PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

Chiarello, Michael Dominic

MEMBER'S PRINTED NAME (Last, first, middle)

SIGNATURE

DATE SIGNED

X

Williamson, James G.

ABC-211-SIG (9/01)

"SIGN ON"



RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

July 21, 2008

JUL 22 2008

City of Costa Mesa Planning Division
P.O. Box 1200
Costa Mesa, CA 92628

Attention: Wendy Shih, Development Services Department

Re: Public Convenience or Necessity Hearing – NapaStyle

Dear Ms. Shih,

I am writing to the City of Costa Mesa Planning Division on behalf of NapaStyle Wine Company, LLC ("NapaStyle"). NapaStyle recently opened a furniture store within the South Coast Shopping Center at 3333 Bear Street in Costa Mesa. NapaStyle will provide a unique collection of specialty foods and exclusive home furnishings that create a sensory escape to the famed Napa Valley.

NapaStyle takes pride in offering products that facilitate eating and living in harmony with the seasons. This store will give customers the opportunity to cultivate a quality of life that is lasting, meaningful, sustainable and reflects a distinctive combination of modern simplicity and rustic traditions. Whether it means choosing high quality products that become heirlooms for generations to come, or supporting artisans around the globe in their time-honored crafts, NapaStyle aims to promote sustainability through quality by offering one-of-a-kind products.


All of our stores feature fun, ever-evolving merchandise displays, cooking demonstrations, food tastings and frequent seasonal gatherings. The store will be open from Ten o'clock (10:00) in the morning until Nine o'clock (9:00) in the evening, Monday through Friday. On Saturday the store will be open from Ten o'clock (10:00) in the morning until Eight o'clock (8:00) in the evening, and on Sunday the store will be open from Eleven o'clock (11:00) in the morning until Six-thirty (6:30) in the evening.

It is our hope to have ancillary wine sales at the store as well. In this regard, NapaStyle has applied to the Department of Alcoholic Beverage Control for a Type 20 Off-Sale Beer and Wine license. We estimate that alcohol sales will be between 2% - 5% of the total sales of the store.

Thank you for considering this proposal for Public Convenience or Necessity in the City of Costa Mesa.

If you have any questions please feel free to contact me directly at (707) 251-5102.

Very truly yours


Michael Chiarello NapaStyle, Wine Company, LLC
Founder